

**IN RE:**  
**IVAN L. MENDEZ**

NO. 09-5114

NOVEMBER , 2009

Plaintiff, an inmate, is seeking to bring a civil action without prepayment of fees. Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

There are no allegations in plaintiff's complaint that would suggest that he was in imminent danger of serious physical injury at the time that this action was filed. Furthermore, prior to the filing of the instant case, plaintiff filed four civil actions in the United States District Court for the District of Delaware that were dismissed as frivolous or for failure to state a claim upon which relief may be granted.<sup>1</sup>

1. See Mendez v. Delaware Correctional Center, Civ. No. 05-303-JJF (Dec. 1, 2005); Mendez v. Delaware Legal System, Civ. No. (continued...)

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied.

---

1. (...continued)  
05-304-JJF (Dec. 1, 2005); Mendez v. Delaware State, Civ. No. 05-305-JJF (Dec. 1, 2005); Mendez v. Delaware Psychiatric Center, Civ. No. 05-306-JJF (Dec. 1, 2005).